

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

UNITED STATES OF AMERICA,)	
)	CRIMINAL ACTION FILE
v.)	NO. 1:06-CR-147-CC-GGB
)	
EHSANUL ISLAM SADEQUEE)	
_____)	

MOTION TO SUPPRESS STATEMENTS

COMES NOW the Defendant, EHSANUL ISLAM SADEQUEE, and moves to suppress any statements made by him to law enforcement agents on August 18, 2005, while being illegally detained at the John F. Kennedy Airport by federal law enforcement agents, showing the Court the following:

1.

Mr. Sadequee is charged together with Co-Defendant, Syed Haris Ahmed, in a four-count indictment that charges as follows: Count One alleges a conspiracy between late 2004 and April 20, 2006, to conspire with others known and unknown to provide material support and resources to be used in preparation for and in carrying out a conspiracy to kill, kidnap, maim or injure persons or damage property in a foreign country or acts of terrorism transcending national boundaries, all in violation of 18 U.S.C. § 2339A(a); Count Two charges the Co-Defendants with aiding and abetting each other and others known and unknown to the Grand Jury with providing material support and resources and concealing the source of material support and resources to be used in preparation for a

conspiracy to kill, kidnap, maim or injure persons or damage property in a foreign country in violation of 18 U.S.C. § 956 and engaging in acts of terrorism transcending national boundaries in violation of 18 U.S.C. § 2332b, all in violation of 18 U.S.C. § 2339A(a) and (2); Count Three alleges over the same time period the Co-Defendants were conspiring to provide material resources to Lashkar-e-Tayyibe in violation of 18 U.S.C. § 2339B(a)(1); and Count Four alleges over the same time period Co-Defendant Ahmed, aided and abetted by Sadequee and others known and unknown to the Grand Jury, did attempt to provide material support and resources to Lashkar-e-Tayyibe by attempting to provide personnel, including the Defendant Ahmed, to Lashkar-e-Tayyibe in violation of 18 U.S.C. § 2339B(a)(1) and (2).

2.

On August 18, 2005, Ehsanul Islam Sadequee was en route on a flight between Atlanta, Georgia, and Bangladesh when he was intercepted while changing planes at the John F. Kennedy Airport under the pretext that there had been an incident aboard the Atlanta to John F. Kennedy Airport flight that the agents were investigating. Mr. Sadequee submits that there had been no irregularities on the flight between the Atlanta Airport and the New York Airport, and that the agents were using this as a pretext to detain Mr. Sadequee in order to ask questions related to an ongoing criminal investigation that ultimately resulted in the charges currently pending against him.

3.

The interception of Mr. Sadequee by the federal agents at John F. Kennedy Airport resulted in a detention of Mr. Sadequee that was unreasonable as it was not supported by an articulable suspicion that he was engaged in any illegal activity. There is ample authority that the detention of a passenger in an airport must be based upon a reasonable suspicion of criminal activity. United States v. Sokolow, 490 U.S. 1 (1989); Florida v. Rodriguez, 469 U.S. 1 (1984); Florida v. Royer, 460 U.S. 491 (1983); and Reed v. Georgia, 448 U.S. 438 (1980).

Based upon the foregoing, Mr. Sadequee moves this Court to suppress the statements he made on August 18, 2005.

Respectfully submitted this 2nd day of October, 2006.

/s/Donald F. Samuel
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Suppress Statements is formatted in Courier 12 pt., in accordance with Local Rule 5.1B, and was electronically filed this day with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following counsel of record:

This 2nd day of October, 2006.

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